

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #5	CCRB Case #: 201705886	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/18/2017 8:45 AM	Location of Incident: § 87(2)(b) and the 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 1/18/2019	EO SOL 1/18/2019	
Date/Time CV Reported Thu, 07/20/2017 10:18 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/20/2017 10:18 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			Unknown
2. POM Philip Tse	11569	957233	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Danny Su	13167	956283	079 PCT
2. SGT Christophe Brabham	05400	921166	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	§ 87(2)(b)
B. POM Philip Tse	Abuse: In the 79th Precinct stationhouse, Police Officer Philip Tse did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed a complaint with the CCRB over the phone on July 20, 2017.

On July 18, 2017, at approximately 8:45 a.m., unidentified officers allegedly went to § 87(2)(b)'s apartment, § 87(2)(b) in Brooklyn, and kicked the door, damaging it (**Allegation A**). § 87(2)(b) was not home at the time and learned about the incident later that day from her neighbor. At approximately 6:00 p.m., § 87(2)(b) went to the 79th Precinct stationhouse and spoke to Police Officer Philip Tse about filing a CCRB complaint. PO Tse allegedly told § 87(2)(b) that he could only provide her with a website for the CCRB and gave her a piece of paper with the URL for the general NYC government website (**Allegation B**).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation as § 87(2)(b)'s primary complaint was property damage.
- This report was submitted pending a FOIL request sent to the comptroller's office on October 17, 2017 for any notice of claim filed in regard to this incident.
- § 87(2)(b) § 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b).
- PO Tse has been a member of the service for three years and has had one other CCRB allegation pled against him, which was not substantiated.

Potential Issues

- § 87(2)(b) was unable to obtain names or contact information for her neighbors who witnessed the officers damaging her door. As a result, the investigation was unable to contact those witnesses.
- § 87(2)(b)'s boyfriend, § 87(2)(b) refused to participate further in the investigation after providing a phone statement.
- There was no search warrant, I-card, or arrest warrant for § 87(2)(b)'s address, nor was there an arrest warrant, bench warrant, or I-card for § 87(2)(b) (BR 08). Additionally, there was no event at the location around the time that § 87(2)(b) reported (BR 09). Everyone who reportedly witnessed the incident at § 87(2)(b)'s apartment did not cooperate or was unable to be reached by the investigation. As such, the officers who damaged § 87(2)(b)'s door could not be identified.

Findings and Recommendations

Explanation of Subject Officer Identification

- PO Tse did not recall interacting with § 87(2)(b) on the date of the incident. However, PO Tse stated that the handwriting on the paper that an officer gave § 87(2)(b) looked like his and it was possible that he had written it. § 87(2)(b) described the subject officer as an Asian male. PO Tse was one of two Asian male officers assigned to the stationhouse at the time of the incident, and § 87(2)(b) identified him after viewing photo arrays including both Asian male officers who were at the stationhouse at the time.

§ 87(2)(g)

Allegation A: Abuse of Authority: Officers damaged § 87(2)(b)'s property.

§ 87(2)(b) testified that when she returned to her apartment on July 18, 2017, the top and bottom of her door were bent, making it difficult to lock the door (BR 01 and BR 02). Her neighbor told her that officers had gone to her apartment and damaged the door.

§ 87(2)(b) stated that he saw officers trying to open § 87(2)(b)'s apartment door (BR 03). He also saw officers go onto the fire escape and kick § 87(2)(b)'s window air conditioner to try to get into the window.

§ 87(2)(g)

Allegation B: Abuse of Authority: Police Officer Philip Tse did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(b) testified that she went to the 79th Precinct stationhouse and asked an officer near the desk if she could file a complaint against officers. The officer said that he would give her a phone number for the CCRB. Instead, he wrote down a URL. § 87(2)(b) asked if there was any other way that she could file a complaint and the officer said that there was nothing else he could do. When § 87(2)(b) tried the web address later, it did not take her to the CCRB website and she had to call 311 to contact the CCRB.

PO Tse testified that he did not speak to any civilians during his tour on the date of incident (BR 04). He could not recall a civilian meeting § 87(2)(b)'s description coming into the stationhouse, nor did he recall anyone going to the stationhouse to file a complaint about officers damaging their door. Civilians have approached him in the stationhouse on other dates asking about filing a CCRB complaint but he could not recall anyone matching § 87(2)(b)'s description ever doing so. When shown the photograph that § 87(2)(b) provided of the paper that the officer gave her, PO Tse could not recall seeing the piece of paper with the URL written on it, but stated that it looked like his handwriting and it was possible that he had written it.

Sgt. Brabham testified that he was assigned to the desk at the time of the incident but could not recall what happened on that date (BR 05). He stated that he makes an entry in the command log whenever someone asks any officer about filing a CCRB complaint, but he could not recall that happening on the date in question.

§ 87(2)(b) provided a photo of a piece of paper with the URL www1.nyc.gov and the words "file online complaint" written on it (BR 06).

If a civilian alleges misconduct by an officer in person, the officer to whom the complaint was made should interview the civilian and give them a civilian complaint report to fill out. If the civilian does not want to immediately make a complaint, the officer should provide a civilian complaint report and tell the civilian the ways that they can file the report once they complete it. Patrol Guide Procedure 207-31 (BR 07).

§ 87(2)(g)

§ 87(2)(g) [Redacted]
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Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date